

AMENDED IN ASSEMBLY APRIL 10, 2014

CALIFORNIA LEGISLATURE—2013–14 REGULAR SESSION

ASSEMBLY BILL

No. 2275

Introduced by Assembly Member Ridley-Thomas

February 21, 2014

An act to amend Section 103526 of the Health and Safety Code, relating to vital records.

LEGISLATIVE COUNSEL'S DIGEST

AB 2275, as amended, Ridley-Thomas. Certified copies of marriage, birth, and death certificates: electronic application.

Under existing law, a certified copy of a birth, death, marriage, or military service record may only be supplied by the State Registrar, local registrar, or county recorder to an authorized person, as defined, who submits a written, faxed, or digitized image request accompanied by a notarized statement sworn under penalty of perjury that the applicant is an authorized person.

This bill would additionally authorize the request and the notarized statement to be submitted in electronic form, as specified, if the request for a certified copy of a birth, death, or marriage record is made electronically, authorize the official to accept electronic acknowledgment, sworn under penalty of perjury, that the requester is an authorized person. The bill would require a method for the clerk to establish the identity of the requester electronically and would require a system used to process the electronic request and to establish the requester's identity to protect the personal information of the requester and to protect against identity theft.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

SECTION 1. Section 103526 of the Health and Safety Code is amended to read:

103526. (a) (1) If the State Registrar, local registrar, or county recorder receives a written, faxed, *or digitized image, or the electronic form of a request image* for a certified copy of a birth, death, or marriage record pursuant to Section 103525 that is accompanied by a notarized statement sworn under penalty of ~~perjury, perjury~~ *or a faxed copy or digitized image of a notarized statement sworn under penalty of perjury, or an electronic acknowledgment sworn under penalty of perjury* that the requester is an authorized person, as defined in this section, that official may furnish a certified copy to the applicant pursuant to Section 103525.

(2) A faxed or digitized image of the notary acknowledgment accompanying a faxed request received pursuant to this subdivision for a certified copy of a birth, death, or marriage record shall be legible and, if the notary's seal is not photographically reproducible, show the name of the notary, the county of the notary's principal place of business, the notary's telephone number, the notary's registration number, and the notary's commission expiration date typed or printed in a manner that is photographically reproducible below, or immediately adjacent to, the notary's signature in the acknowledgment. If a request for a certified copy of a birth, death, or marriage record is made in person, the official shall take a statement sworn under penalty of perjury that the requester is signing his or her own legal name and is an authorized person, and that official may then furnish a certified copy to the applicant.

(3) If a request for a certified copy of a birth, death, or marriage record is made electronically, the official may accept an electronic acknowledgment ~~accompanying the electronic request, sworn under penalty of perjury, that the requester is an authorized person pursuant to this section. The electronic request and acknowledgment shall also provide a method to securely for the official to establish the applicant identity of the requester electronically, as an authorized person, pursuant to this section. The official may then furnish a certified copy to the applicant. A system or product used to process the electronic request and establish the requester's identity shall comply with the provisions~~

1 *of the California Uniform Electronic Transactions Act and all*
2 *other applicable state and federal laws and regulations to protect*
3 *the personal information of the requester and guard against*
4 *identity theft. If a requester's identity cannot be established*
5 *electronically pursuant to this paragraph, the requester may*
6 *accompany his or her request with a notarized statement of identity*
7 *pursuant to paragraph (1).*

8 (4) For purposes of this subdivision, "digitized image" means
9 an image of an original paper request for a certified copy of a birth,
10 death, or marriage record.

11 (5) *Willfully obtaining or assisting another person in obtaining*
12 *a vital record when he or she is not authorized to receive that*
13 *record is a crime pursuant to Section 530.5 of the Penal Code.*

14 (b) (1) If the person requesting a certified copy of a birth, death,
15 or nonconfidential marriage record is not an authorized person or
16 is an authorized person who is otherwise unable to satisfy the
17 requirements of subdivision (a), the certified copy provided to the
18 applicant shall be an informational certified copy and shall display
19 a legend that states "INFORMATIONAL, NOT A VALID
20 DOCUMENT TO ESTABLISH IDENTITY." The legend shall
21 be placed on the certificate in a manner that will not conceal
22 information.

23 (2) If the person requesting a certified copy of a confidential
24 marriage record is not an authorized person or is an authorized
25 person who is otherwise unable to satisfy the requirements of
26 subdivision (a), the official shall not release a certified copy of the
27 confidential marriage record unless otherwise authorized by law.

28 (c) For purposes of this section, an "authorized person" means:

29 (1) For purposes of requests for certified copies of confidential
30 marriage records, only a party to the confidential marriage.

31 (2) For purposes of requests for certified copies of birth, death,
32 or nonconfidential marriage records, a person who is any of the
33 following:

34 (A) The registrant or a parent or legal guardian of the registrant.

35 (B) A party entitled to receive the record as a result of a court
36 order, or an attorney or a licensed adoption agency seeking the
37 birth record in order to comply with the requirements of Section
38 3140 or 7603 of the Family Code.

1 (C) A member of a law enforcement agency or a representative
2 of another governmental agency, as provided by law, who is
3 conducting official business.

4 (D) A child, grandparent, grandchild, sibling, spouse, or
5 domestic partner of the registrant.

6 (E) An attorney representing the registrant or the registrant's
7 estate, or any person or agency empowered by statute or appointed
8 by a court to act on behalf of the registrant or the registrant's estate.

9 (F) An agent or employee of a funeral establishment who acts
10 within the course and scope of his or her employment and who
11 orders certified copies of a death certificate on behalf of an
12 individual specified in paragraphs (1) to (5), inclusive, of
13 subdivision (a) of Section 7100.

14 (d) A person who asks the agent or employee of a funeral
15 establishment to request a death certificate on his or her behalf
16 warrants the truthfulness of his or her relationship to the decedent
17 and is personally liable for all damages occasioned by, or resulting
18 from, a breach of that warranty.

19 (e) Notwithstanding any other law:

20 (1) A member of a law enforcement agency or a representative
21 of a state or local government agency, as provided by law, who
22 orders a copy of a record to which subdivision (a) applies in
23 conducting official business shall not be required to provide the
24 notarized statement required by subdivision (a).

25 (2) An agent or employee of a funeral establishment who acts
26 within the course and scope of his or her employment and who
27 orders death certificates on behalf of individuals specified in
28 paragraphs (1) to (5), inclusive, of subdivision (a) of Section 7100
29 shall not be required to provide the notarized statement required
30 by subdivision (a).

31 (f) Informational certified copies of birth and death certificates
32 issued pursuant to subdivision (b) shall only be printed from the
33 single statewide database prepared by the State Registrar and shall
34 be electronically redacted to remove any signatures for purposes
35 of compliance with this section. Local registrars and county
36 recorders shall not issue informational certified copies of birth and
37 death certificates from a source other than the statewide database
38 prepared by the State Registrar. This subdivision shall become
39 operative on July 1, 2007, but only after the statewide database
40 becomes operational and the full calendar year of the birth and

1 death indices and images is entered into the statewide database
2 and is available for the respective year of the birth or death
3 certificate for which an informational copy is requested. The State
4 Registrar shall provide written notification to local registrars and
5 county recorders as soon as a year becomes available for issuance
6 from the statewide database.

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